

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WISCONSIN**

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BUILDING TRADES UNITED PENSION TRUST FUND,  
NACARCI FEASTER, WISCONSIN LABORERS HEALTH FUND,  
BUILDING & PUBLIC WORKS LABORERS VACATION FUND  
and MILES MERTENS,

Plaintiffs,

v.

Case No. 07-CV-782

WHITE GLOVE ENVIRONMENTAL LLC,

Defendant.

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**ORDER**

On February 1, 2008 plaintiffs filed an amended complaint against White Glove Environmental LLC ("White Glove") alleging White Glove failed to make timely and prompt contributions to plaintiffs on behalf of its employees covered by a collective bargaining agreement. A summons was returned executed by plaintiffs on March 5, 2008. According to the summons, defendant was served on February 25, 2008. As such, White Glove's responsive pleading was due on March 17, 2008. However, White Glove has not filed a pleading responsive to the complaint, and no other pleading has been filed by either party.

Pursuant to Civil Local Rule 41.2, in all cases in which a defendant has failed to file an answer or otherwise defend within six months from the filing of the complaint and the plaintiff has not moved for a default judgment, the court may, on its own motion, after 20 days' notice to the attorney of record for the plaintiff, enter an order dismissing the action for lack of prosecution. See Civil L.R. 41.2. Given

that over six months have passed since plaintiffs filed their complaint, White Glove has not filed a pleading responsive to the complaint, and plaintiffs have not moved for a default judgment, the court concludes that plaintiffs are not diligently prosecuting this action. Accordingly, the court grants plaintiffs 20 days to file a motion for default judgment.

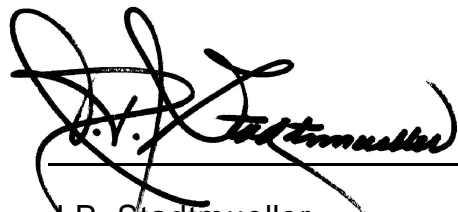
If White Glove does not file a pleading responsive to plaintiffs' complaint, and plaintiffs fail to file a motion for default judgment within 20 days from the date of this order, the court will dismiss this action without prejudice pursuant to Civil Local Rule 41.2. Pursuant to that rule, any affected party can petition for reinstatement of this action within 20 days from the date of the dismissal.

Accordingly,

**IT IS ORDERED** that plaintiffs shall have twenty (20) days to move for default judgment if no responsive pleading is filed by defendant; if no responsive pleading is filed by defendant and plaintiffs fail to file a motion for default judgment within twenty (20) days, the court will dismiss this action without prejudice.

Dated at Milwaukee, Wisconsin, this 16th day of December, 2008.

BY THE COURT:



J.P. Stadtmueller  
U.S. District Judge